


**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of : Customer Number: 33401  
SHEHADA, Ramez E.N. et al. : Confirmation Number: 9080  
Serial No.: 10/776,020 : Group Art Unit: 3761  
Filed: February 9, 2004 : Examiner: GIBSON, Keshia L.  
For: SURGICAL DRAIN WITH SENSOR FOR MONITORING FLUID IN LUMEN

**CERTIFICATE OF ELECTRONIC TRANSMISSION**

I hereby certify that this correspondence is being electronically transmitted to the United States Patent and Trademark Office On June 28, 2006.

  
Jessica Brown

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT  
UNDER 37 C.F.R. § 1.56**

Sir:

Pursuant to 37 C.F.R. § 1.56, § 1.97 and § 1.98, Applicant brings the additional references listed on the attached supplemental Form PTO-1449 to the examiner's attention. 37 C.F.R. § 1.56. These references supplement the references cited in the Information Disclosure Statements, filed on December 28, 2004, March 28, 2005, and June 13, 2005. These references, cited in an International Search Report, mailed April 4, 2006, for the corresponding PCT application, may be material to examination of the above-identified application. Please do not construe the filing of this Information Disclosure Statement as a representation that applicant has made a search (37 C.F.R. § 1.97(g)), or as an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists. We enclose a copy of the cited Spanish patent document.

This Information Disclosure Statement is being submitted:

- ☐ 1. Within three months of the filing date of a national application other than a continued prosecution application under 37 CFR 1.53(d), or within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; or before

the mailing date of a first Office action on the merits, and therefore, Applicant believes no fee is required;

- ☒ 2. After the period specified in paragraph (1) hereinabove of this section, but is being filed before the mailing date of either a final action under 37 CFR 1.113, or a notice of allowance under 37 CFR 1.311, or an action that otherwise closes prosecution in the application, and is accompanied by one of the following:

- ☒ (a) A statement that either:

(i) Each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement;

OR

(ii) No item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement;

OR

- ☐ (b) The fee of \$180 for filing of an Information Disclosure Statement as set forth in 37 C.F.R. 1.17(p).

- ☐ 3. After the period specified in paragraph (2) of this section, but is filed on or before payment of the issue fee and is accompanied by both:

- ☐ (a) A statement that either:

(i) Each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement;

OR

(ii) No item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement;

- ☐ (b) The fee of \$180.00 for filing of an Information Disclosure Statement as set forth in 37 CFR 1.17(p).

Applicant would appreciate the Examiner initialing and signing a copy of Form PTO-

1449, transmitted herewith, indicating that the information has been considered and made of record herein.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant petitions for

any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to

**Deposit Account No. 501946** referencing order number 64693-102-6806

June 28, 2006



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|   |                        |                      |                             |
|---|------------------------|----------------------|-----------------------------|
| Substitute for form 1449A/PTO<br><br><b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b><br><br><i>(use as many sheets as necessary)</i> |                        | Complete If Known    |                             |
|   |                        | Application Number   | 10/776,020                  |
|   |                        | Filing Date          | February 9, 2004            |
|   |                        | First Named Inventor | SHEHADA, Ramez Emile Necola |
|   |                        | Art Unit             | 3761                        |
|   |                        | Examiner Name        | GIBSON, Keshia L.           |
| Sheet 1 of 1  | Attorney Docket Number | 84893-102            |                             |

| U.S. PATENT DOCUMENTS |            |   |                          |  |
|-----------------------|------------|---|--------------------------|--|
| Examiner Initials*    | Cite No. 1 | Document Number<br>Number-Kind Code <sup>2</sup> (if known) | Issue Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document |
|                       | 1          | US-3,030,953  | 04-24-1962               | KOEHN  |
|                       | 2          | US-3,515,137  | 08-02-1970               | SANTOMIERI   |
|                       | 3          | US-3,537,451  | 11-03-1970               | BECK   |
|                       | 4          | US-3,614,737  | 10-19-1971               | SADOWSKI   |
|                       | 5          | US-3,680,562  | 08-01-1972               | WITTES et al.                                      |
|                       | 6          | US-4,432,365  | 02-21-1984               | LEIST  |
|                       | 7          | US-4,684,694  | 08-04-1987               | BREUER et al.                                      |
|                       | 8          | US-4,699,146  | 10-13-1987               | SIEVERDING   |
|                       | 9          | US-5,215,539  | 06-01-1993               | SCHOOLMAN  |
|                       | 10         | US-6,751,499  | 06-16-2004               | LANGE et al.                                       |

| U.S. PATENT APPLICATION PUBLICATIONS |            |   |                                |  |
|--------------------------------------|------------|---|--------------------------------|--|
| Examiner Initials*                   | Cite No. 1 | Document Number<br>Number-Kind Code <sup>2</sup> (if known) | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document |
|                                      | 11         | US-2002/0055757   | 05-09-2002                     | TORRE et al.                                       |

| FOREIGN PATENT DOCUMENTS |          |  |  |                                |  |                |
|--------------------------|----------|--|--|--------------------------------|--|----------------|
| Examiner Initials*       | Cite No. | Foreign Patent Document  |  | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | T <sup>3</sup> |
|                          |          | Country Code <sup>2</sup> -Number <sup>2</sup> -Kind<br>Code <sup>2</sup> (if known) |  |                                |  |                |
|                          | 12       | ES-2,154,241   |  | 03-16-2001                     | AGUILO et al.                                      | Yes (PTO)      |

|                    |                 |
|--------------------|-----------------|
| Examiner Signature | Date Considered |
|--------------------|-----------------|

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.  
<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>Applicant is to place a check mark here if English language translation is attached.

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